

**Regular Meeting
Board of Zoning Appeals
November 3, 2004**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 7:00 p.m. Secretary Lloyd Martin took roll call as follows:

Chairman Jerry Uebelhor	-Present	Randy Mehringer	-Present
Vice Chairman Jim Blessinger	-Present	Bob Wright	-Present
Secretary Lloyd Martin	-Present	Bldg. Comm. Dave Seger	-Present
Ray Byrd	-Present	Atty Sandy Hemmerlein	-Present

PLEDGE OF ALLEGIANCE

Chairman Jerry Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the October 6, 2004, Regular Meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. It was seconded by Bob Wright. Motion carried 6-0.

NEW BUSINESS

Petition of Jana K. Gunselman for a special exception to allow a Home Occupation (sewing, alterations and related crafts).

Jana Gunselman was present to request a special exception to operate a sewing business out of her home located at 513 N. Kluemper Road. Ms. Gunselman owned and operated Jasper Embroidery. Since selling the business a year ago, Ms. Gunselman has had several requests for alterations.

The sewing and alteration business would be operated in the basement through an outside entrance. Customers would be by appointment only. Ms. Gunselman also plans to create a few craft items, such as teddy bears, bath salts and potpourri baskets.

There were no remonstrators present. After some discussion, Bob Wright made a motion to close the public hearing. It was seconded by Vice Chairman Blessinger. Motion carried 6-0.

Bob Wright made a motion to grant a special exception to allow a Home Occupation (sewing, alterations and related crafts) at 513 N. Kluemper Road. Randy Mehringer seconded it. Ray Byrd voted against the motion. Motion carried 5-1.

Petition of Lisa Martinez to allow a Home Occupation (massage business).

Lisa Martinez, of 1622 Reservoir Avenue, was present to request a special exception to operate a "traveling" massage business. She has been a nurse since 1988 and wants to expand her therapeutic abilities and begin to do pre-natal and post-natal massage therapy in women's homes.

Ms. Martinez has an outside bookkeeper and would advertise her business through business cards, a cell phone and a post office box number. She plans to store her equipment in her home, which includes a portable massage table and a duffle bag on wheels, holding all supplies needed - towels, sheets, oils and lotions. Ms. Martinez does not intend to have any clients in her home.

Ray Byrd asked why Ms. Martinez could not rent a business location so her clients can come to her. Ms. Martinez explained that she is just beginning her business, and until she builds up her clientele, she could not afford the cost of rent, utilities and insurance at this time. Ms. Martinez added that she prefers going to her client's home, since most of the women requesting her service are bed-ridden.

Attorney Hemmerlein read a letter addressed to the Board from Hilma and Wilma Nolan, adjacent property owners. The Nolans stated that such a business would devalue their property and would not promote family values.

Tina Schuler-Cyrill, an adjacent property owner, appeared before the Board to voice her concerns regarding the request. Ms. Cyrill said she is in opposition of any signs posted to advertise Ms. Martinez's business, reminding the Board that there are children present in the neighborhood.

Hilma Nolan appeared before the Board to explain that at the time she wrote the letter, she was not aware of exactly what type of massage business Ms. Martinez was requesting. She said the notice of public hearing was very vague and did not limit what Ms. Martinez can do with her business.

With no more discussion, Secretary Martin made a motion to close the public hearing. Ray Byrd seconded it. Motion carried 6-0.

Secretary Martin made a motion to grant a special exception to allow a Home Occupation (massage business), allowing pre-natal and post-natal care for women. No signs shall be allowed. Vice Chairman Blessinger seconded it. Ray Byrd voted against the motion. Motion carried 5-1.

Petition of Martha Hopf and Doris Hopf for a special exception to allow a Home Occupation (Alternative Health Care Practitioner).

Martha Hopf was present to request a special exception to operate her Alternative Health Care business at 1167 Hochgesang Avenue. Martha's sister, Doris Hopf, currently owns the residence. Ms. Hopf plans to purchase the property, dependent upon approval of the special exception request.

Ms. Hopf has been employed in her profession since 1989, operating her business outside of the City's jurisdiction. Her equipment includes a therapy table and a hand held massager. Ms Hopf is certified in Reflexology, which is working on hands and feet to relieve stress, tension and improve the nerve and blood supply. She is also a Cranial Sacral Therapist, which through light finger touching, helps the body relieve undo pressure on the brain and spinal cord.

There would be an average of four customers a day, with appointments lasting approximately one hour and forty-five minutes. Ms. Hopf would receive approximately two UPS deliveries a month and would have ample parking in the driveway for her customers.

There were no remonstrators present. After some discussion, Randy Mehringer made a motion to close the public hearing. Secretary Martin seconded it. Motion carried 6-0.

Secretary Martin made a motion to grant a special exception to allow a Home Occupation (Alternative Health Care Practitioner) at 1167 Hochgesang Avenue. Randy Mehringer seconded it. President Uebelhor, Randy Mehringer and Bob Wright voted in favor of the motion. Vice Chairman Blessinger, Secretary Martin and Ray Byrd voted nay. Motion died due to a tie vote.

Petition of Jasper Seating, Inc., for a variance from Section 16.03.060 (Limitation on Signs).

Brian Lish, Vice President of Jasper Seating, was present to request a variance to erect a 120 square-foot sign at the company's headquarters located at 225 S. Clay Street.

Nancy Parsons, adjacent property owner, was present to inquire where the sign would be located. Mr. Lish replied that the sign, "Jasper Seating Company, Inc.," would be attached to the building, facing Clay Street.

President Uebelhor read a letter addressed to the Board from Mike Ackerman, adjacent property owner, stating his support of the variance.

With no more discussion, Secretary Martin made a motion to close the public hearing. Ray Byrd seconded it. Motion carried 6-0.

Bob Wright made a motion to grant a variance to allow a sign at 225 S. Clay Street, not to exceed 120 square feet. Secretary Martin seconded it. Motion carried 6-0.

Petition of Jon A. Fleck and Leon J. Fleck for a variance to operate a business (Fleck Roofing).

Jon Fleck was present to request a variance to operate his business, Fleck Roofing, at 415 E. State Road 164. Mr. Fleck said he has been storing his materials and equipment in a pole barn located on the property while he resided out of the city's two-mile jurisdiction.

Mr. Fleck said he has since moved to the proposed property and is now asking to operate his business from the pole barn. He is requesting to continue to store his roofing materials but also utilize part of the building as an office. He would have no secretary. The office would provide space for filing cabinets and a computer.

There were no remonstrators. After some discussion, Ray Byrd made a motion to close the public hearing. Bob Wright seconded it. Motion carried 6-0.

Ray Byrd made a motion to grant a variance to operate a business (Fleck Roofing) in the building only and with no signs at 415 E. State Road 164. Vice Chairman Blessinger seconded it. Randy Mehringer voted against the motion. Motion carried 5-1.

Petition of Max J. Verkamp and Jennifer L. Verkamp for two variances from Section 16.02.140 (Height Regulations).

Attorney Bill Kaiser was present on behalf of Max and Jennifer Verkamp to request two variances from Section 16.02.140 (Height Regulations). The proposed property is located on the northwest corner of Ridge Drive and Rolling Ridge Court.

Plans are to build a house and detached garage on Lots 7 and 8 in Rolling Ridge Estates. The house would measure 40 feet in height and the detached garage would measure a height of 22 feet.

There were no remonstrators present. After some discussion, Secretary Martin made a motion to close the public hearing. Ray Byrd seconded it. Motion carried 6-0.

Secretary Martin made a motion to grant two variances from Section 16.02.140 (Height Regulations), with the house not to exceed 40 feet and the detached garage not to exceed 22 feet. Ray Byrd seconded it. Motion carried 6-0.

With no other business at hand, Vice Chairman Blessinger made a motion to adjourn the meeting. Ray Byrd seconded it. Motion carried 6-0, and the meeting was adjourned at 8:47 p.m.

Jerry Uebelhor, Chairman

Lloyd Martin, Secretary

Kathy M. Pfister, Recording Secretary